

VIA FACSIMILE TRANSMISSION - OFFICIAL
To Office of Petitions - Fax Number 703-872-9306
Application No. 09/127,276
July 2, 2004

REMARKS

Applicant is presenting this proposed revision to the cross reference section at Page 1 of the Specification to the Office of Petitions for approval. Accordingly the Enclosures referenced herein are also referred to in the accompanying Petition for Acceptance of a Claim for Priority in Abandoned Application. Only one set of Enclosures is included for both papers.

(1) The present application was filed July 29, 1998, and was abandoned in favor of a continuation application (filed 09/21/2001, and now under final action dated 03/30/2004); no patent has as yet issued on the present subject matter. It is understood that entry of the claim for priority pursuant to 37 CFR 1.78 (a) in an abandoned application may be appropriate pursuant to Sampson v. Commissioner of Patent and Trademarks, U.S. District Court District of Columbia, Decided November 10, 1976, 195 USPQ 136.

(2) To show that PCT application No. PCT/US98/02317 for which priority is claimed under 35 USC 120 per MPEP 201.11(a), designated the US, a copy of the cover sheet of the published PCT case is enclosed as Enclosure (1).

(3) To show that the PCT case properly claimed priority to the two provisional applications filed 6 February 1997 and 14 August 1997 (which are referenced on the cover sheet of the published PCT application of Enclosure (1)), the PCT Notification Concerning Submission of Priority Documents for the two provisional applications are enclosed as Enclosures 2(A) and 2(B).

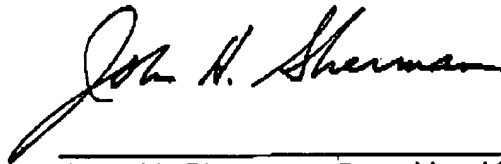
(4) To show recognition by the USPTO of Applicant's claim to priority to the two provisional applications filed 02/06/1997 and 08/14/1997, a corrected filing receipt dated "03/16/99" is enclosed as Enclosure (3).

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Conclusion

Entry of the proposed new cross reference section at Page 1 of the Specification in the subject abandoned application is respectfully requested.

Respectfully submitted,



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Enclosure (1) PCT Published Application WO 98/35453 for International Application Number PCT/US98/02317

Enclosures (2A) and 2(B) PCT Notification Concerning Submission of Priority Documents re Provisional Application 60/036,895 Filed 06 February 1997 and Provisional Application 60/055,709 Filed 14 August 1997

Enclosure (3) Corrected Filing Receipt in Application No. 09/127,276 Filed 07/29/1998